

INDIANA

PROBATION STANDARDS

**APPROVED
BY
THE BOARD OF DIRECTORS
JUDICIAL CONFERENCE OF INDIANA
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I. INTRODUCTION

A. Indiana Probation Mission Statement

The mission of probation is to provide necessary services to the offender toward reducing criminal/delinquent behavior while balancing the needs and ensuring the safety of the community. Probation is a profession that requires fundamental knowledge of the law, sentencing alternatives, human services, and community protection.

B. Indiana Probation Vision Statement

TO assist in the fair administration of justice.

TO assist offenders living in Indiana to become productive, contributing members of society.

TO assist in improving the overall education and social responsibility of offenders living in Indiana which will promote community safety.

TO reduce recidivism of offenders by providing consequences for behavior as well as programming for offenders that encourages and facilitates law-abiding behavior.

TO assure victims will be compensated and their needs and concerns are addressed.

TO promote probation staff safety through information, education, and training.

TO promote continuing education of probation staff in order to enhance services for offenders.

C. Implementation

ENSURE the court is provided information vital to making appropriate pretrial release decisions and imposing just and fair sentences.

DEVELOP, coordinate, and implement a statewide plan to educate the public regarding probation services.

DEVELOP, coordinate, and implement or broker a range of community resources for offenders.

ESTABLISH a range of procedures to hold offenders accountable for their behavior.

DEVELOP a system or procedure to collect and disburse restitution to victims.

NOTIFY and educate victims of their rights.

D. Declaration of Principles

Probation personnel shall exhibit a high regard for objectivity, protection of the public, and the reintegration of offenders.

Being an integral part of the Criminal Justice System, Probation shall perform its functions in cooperation with other components of the system while recognizing that it shares the same basic goal--reducing the incidents and impact of crime.

Probation respects the inherent worth of offenders while recognizing their individual differences and their ability to change. The permanent rehabilitation of the probationer is a primary goal in every aspect of probation. Unfortunately, there are still times when either the rehabilitative goal and/or societal safety are best served by incarceration or alternative placement.

The public should have the assurance that individual probation officers, in the course of completing their assignments from the courts, formulate all assessments, conclusions, and directives by means of careful analysis and accurate information.

E. Definitions

CHIEF PROBATION OFFICER

This title has historically been used to identify the principal administrator of a probation department and is referred to in statute as follows: "A court, or two or more courts acting jointly, may designate a probation officer to direct and supervise the work of the probation department." IC 11-13-1-1(d). This individual shall be a probation officer as defined below.

ASSISTANT CHIEF PROBATION OFFICER

This title applies to an individual who is responsible for performing the functions that are delegated to him/her by the Chief Probation Officer. An assistant chief probation officer shall be a probation officer as defined below.

SUPERVISOR PROBATION OFFICER

This title applies to an individual whose primary function is to manage the work of probation personnel. A supervisor probation officer shall be a probation officer as defined below.

PROBATION OFFICER

This title applies to an individual who meets the requirements promulgated by the Judicial Conference of Indiana and is appointed by a court or a division of a court authorized to impose probation to perform the statutory functions mandated by IC 11-13-1-3.

II. RATIONALE & HISTORICAL PERSPECTIVE FOR PROBATION STANDARDS

Probation is ultimately responsible to the people of Indiana. Probation standards are a reflection of that responsibility and provide criteria by which the public can formulate expectations and evaluate performance. The standards ensure that a high level of services are delivered to the court, the victim, the offender, and the community. They establish a process by which individual departments can conduct assessments and planning. Finally, the standards provide probation staff with guidelines for carrying out their responsibilities.

By the authority granted to the Judicial Conference of Indiana, a set of standards was originally adopted on June 30, 1989 that identified criteria of excellence for probation services in Indiana.

The following document is a revision of those standards, prompted by a number of significant developments in state probation that have taken place during the intervening years. These developments include the Standard Presentence Report and the Standard Preliminary Inquiry and Predisposition Report; the Case Classification and Workload Measures System; and the Schedule of Minimum Salaries for Probation Officers.

Standards are an integral part of any profession and probation should be no exception. This document identifies and clarifies the statutory requirements for probation officers and departments. It also points out areas of probation service that should be made priorities in the quest for uniform excellence and professionalism.

All probation officers should be made aware of the content of this document and all departments should apply these standards in evaluating their services.

III. PROBATION SAFETY AND SECURITY

ALL PROBATION DEPARTMENTS SHALL HAVE WRITTEN POLICIES AND PROCEDURES FOR SAFETY AND SECURITY.

The Indiana Probation Safety and Security Manual was approved by the Judicial Conference of Indiana on December 10, 1998. Individual probation departments are encouraged to use these recommendations, in addition to other safety and security information, to meet their particular needs in the area of safety and security.

IV. INDIANA PROBATION STANDARDS

A. ADMINISTRATION STANDARDS

1.1 AUTHORITY OF THE CHIEF PROBATION OFFICER -- THE SPECIFIC DUTIES, RESPONSIBILITIES, AND SCOPE OF AUTHORITY OF THE CHIEF PROBATION OFFICER SHALL BE DEFINED BY (OR UNDER THE IMMEDIATE DIRECTION OF) THE PRESIDING JUDGE .

Effective leadership is enhanced when it is made clear what amount and type of authority is granted to probation managers as well as what specific functions they are expected to perform such as planning, directing, and evaluating probation services.

1.2 COMMUNICATION TO STAFF -- IT SHALL BE THE DUTY OF THE CHIEF PROBATION OFFICER TO COMMUNICATE TO THE STAFF THE AREAS OF RESPONSIBILITY AND LINES OF AUTHORITY WITHIN THE DEPARTMENT.

Such communication is critical to the smooth operation of an organization. It is helpful to produce a diagram but it must be accurate and kept current.

1.3 POLICIES AND PROCEDURES -- THE CHIEF PROBATION OFFICER SHALL PREPARE A MANUAL OF POLICIES AND PROCEDURES FOR THE OPERATION OF THE DEPARTMENT THAT IS CONSISTENT WITH EXISTING LAWS AND LOCAL RULES. ALL WRITTEN POLICIES, PROCEDURES, RULES AND REGULATIONS SHOULD BE DATED, REVIEWED AT LEAST ANNUALLY AND APPROVED BY THE COURT(S).

It is critical that such a document reflect fundamentally sound and clearly understood directives. It should be kept current and made available to all employees. With regard to the supervision of probationers, it should not attempt to address every potential situation but rather to identify the key issues and educate staff on the proper use of discretion.

1.4 RELEASE OF INFORMATION -- INFORMATION DEEMED CONFIDENTIAL BY STATUTE SHALL ONLY BE RELEASED AS ALLOWED UNDER THE APPLICABLE STATUTE. ALL OTHER INFORMATION CONTAINED IN PROBATION FILES SHALL BE CONFIDENTIAL AND SHALL NOT BE RELEASED WITHOUT THE APPROVAL OF THE JUDGE.

Probation officers need to be provided guidelines as to what constitutes an appropriate level of care of probationers' records. Confidential information must only be disclosed as allowed by statutes, rules or regulations. Procedures regarding confidentiality of case records should be observed at all times.

Probation departments often are requested to provide information about cases under supervision, and it is important that policies exist within the department to specify what information can be provided, who shall provide the information, and how it should be provided. Additionally, information is routinely provided to other departments, agencies or courts. Ultimately, the supervising judge should determine the policies regarding what information can be released; to whom the information can be released; who can release the information; and how it is to be released.

1.5 ANNUAL OPERATIONS REPORT -- THE CHIEF PROBATION OFFICER SHALL PUBLISH AN ANNUAL REPORT THAT SUMMARIZES THE DEPARTMENT'S STATISTICS, PROGRAMS AND SERVICES.

A report of this nature is informative to the supervising judge as well as local government officials and the public. It provides a current assessment of workload and related activities and facilitates the planning process.

1.6 DEPARTMENTAL STAFFING AND RESOURCE NEEDS ASSESSMENT -- THE CHIEF PROBATION OFFICER SHALL CONDUCT AN ANNUAL ASSESSMENT OF NEEDS FOR THE DEPARTMENT.

This assessment affords the opportunity to address the requirements of staffing, equipment, and operating costs. Used in conjunction with the workload measures formula it serves as an aid for funding requests.

1.7 PROGRAM/SERVICES NEEDS ASSESSMENT -- THE CHIEF PROBATION OFFICER SHALL PREPARE AN ANNUAL ASSESSMENT OF THE COLLECTIVE NEEDS OF PROBATIONERS UNDER HIS/HER JURISDICTION.

A review of this nature requires statistical analysis and discussion with probation officers and treatment providers. Once a department is fully aware of the needs of its service population, it can develop appropriate strategies to meet those needs.

1.8 SUPERVISOR ASSIGNMENTS -- SUPERVISOR PROBATION OFFICERS SHALL BE ACCESSIBLE TO STAFF TO GIVE NECESSARY ADVICE AND ASSISTANCE REGARDING THE MANAGEMENT OF PROBATIONERS.

Supervisors should be available to consult regularly with probation officers in order to make important judgments and decisions about probationers.

1.9 ABSENCE OF THE CHIEF PROBATION OFFICER -- THE CHIEF PROBATION OFFICER SHALL PREPARE, IN WRITING, A CONTINGENCY PLAN PROVIDING FOR THE EXERCISE OF HIS/HER AUTHORITY IN HIS/HER ABSENCE.

A predetermined and clearly understood course of action assures the continued functioning of the department.

1.10 RECORDS MANAGEMENT -- THE COURT SHALL ADOPT POLICIES REGARDING THE ESTABLISHMENT, UTILIZATION, CONTENT, PRIVACY, SECURITY, PRESERVATION, AND TIMELY DESTRUCTION OF CASE RECORDS.

Case records are essential to the effectiveness of probation services. The orderly recording, management, and maintenance of file documents and case progress provide the means to make intelligent judgments throughout the supervision period. The information facilitates management's performance assessments and the planning process. This same information provides the means to formulate conclusions about individuals who return to the system.

1.11 HIRING PROBATION OFFICERS -- IT SHALL BE THE DUTY OF THE CHIEF PROBATION OFFICER TO RECOMMEND FOR APPOINTMENT APPROPRIATE CANDIDATES FOR THE POSITION OF PROBATION OFFICER.

The selection process should include a thorough investigation to determine soundness of mind and character as well as competence to perform assigned duties. Hiring shall be in accordance with the minimum qualifications promulgated by the Judicial Conference of Indiana.

1.12 WORK PERFORMANCE -- THE CHIEF PROBATION OFFICER SHALL VERIFY EACH STAFF MEMBER'S CONTINUED SUITABILITY FOR EMPLOYMENT.

Performance expectations should be clearly defined and communicated to staff. It then is incumbent upon supervisory personnel to take appropriate corrective action when performance fails to meet those expectations.

1.13 MINIMUM SALARY SCHEDULE -- IT SHALL BE THE RESPONSIBILITY OF THE CHIEF PROBATION OFFICER TO MAINTAIN AND REVIEW PERSONNEL RECORDS TO ASSURE COMPLIANCE OF THE DEPARTMENT WITH THE MINIMUM SALARY SCHEDULE ADOPTED BY THE INDIANA JUDICIAL CONFERENCE.

Probation Officers' step increases shall occur on their anniversary date of employment.

1.14 HOURS OF OPERATION -- A SCHEDULE OF HOURS OF OPERATION SHALL BE ESTABLISHED FOR EACH DEPARTMENT THAT IS SUFFICIENT TO MANAGE THE SERVICE NEEDS OF THE COURT.

The service needs vary by jurisdiction and by type of court. Provided that security needs are met, early evening hours are an effective means of increasing the likelihood of successful supervisions. In many jurisdictions 24-hour service can be provided by having officers on call for emergencies.

1.15 BUDGET—THE CHIEF PROBATION OFFICER SHALL MAKE RECOMMENDATIONS TO THE APPOINTING COURT(S) REGARDING PERSONNEL AND EQUIPMENT NEEDS OF THE DEPARTMENT SO AS TO ASSURE THE EFFICIENT OPERATION OF THE DEPARTMENT AND THE SAFETY OF THE COMMUNITY.

1.16 ANNUAL PROBATION OFFICERS CONTINUING EDUCATION COMPLIANCE-- THE CHIEF PROBATION OFFICER SHALL, BY FEBRUARY 1ST OF EACH YEAR, REPORT EACH PROBATION OFFICER'S COMPLIANCE WITH THE MANDATORY 12 HOURS OF CONTINUING EDUCATION.

The chief probation officer and supervising judge shall approve course content eligible to comply with the 12 –hour requirement.

1.17 PERSONNEL CHANGE NOTIFICATION-- THE CHIEF PROBATION OFFICER SHALL REPORT ANY CHANGES IN PROBATION OFFICER PERSONNEL TO THE INDIANA JUDICIAL CENTER WITHIN 30 DAYS OF THE CHANGE OCCURRING. THE CHANGES SHALL BE REPORTED ON THE FORM ISSUED BY THE INDIANA JUDICIAL CENTER.

Personnel changes which shall be reported include new hires, terminations, retirements, resignations and changes in job title.

B. CERTIFICATION & TRAINING STANDARDS

2.1 CERTIFICATION -- ALL PROBATION OFFICERS IN INDIANA SHALL BE CERTIFIED BY THE JUDICIAL CONFERENCE OF INDIANA. PROBATION OFFICERS SHALL MEET ALL QUALIFICATIONS ESTABLISHED BY THE JUDICIAL CONFERENCE OF INDIANA EFFECTIVE JULY 1, 1984.

A person who is not allowed to take the probation officer examination may appeal that decision. The Judicial Center has information regarding the procedure for appealing to the Judicial Conference of Indiana.

2.2 QUALIFICATIONS -- A PROBATION OFFICER SHALL: (1) BE AT LEAST TWENTY-ONE (21) YEARS OF AGE; (2) BE AN AMERICAN CITIZEN; (3) HAVE A BACCALAUREATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY; (4) BE A PERSON OF GOOD MORAL CHARACTER; (5) TAKE AND PASS AN EXAMINATION FOR PROSPECTIVE PROBATION OFFICERS PRIOR TO EMPLOYMENT OR WITHIN SIX (6) MONTHS FROM THE DATE THE PERSON IS FIRST EMPLOYED AS A PROBATION OFFICER; (7) ATTEND AN ORIENTATION PROGRAM CONDUCTED BY THE INDIANA JUDICIAL CENTER WITHIN ONE (1) YEAR FROM THE DATE THAT THE OFFICER IS EMPLOYED.

A person who submits an application to take the examination for prospective probation officers shall have a baccalaureate degree from an accredited college or university or be in the last semester of a baccalaureate degree program. A person may not serve as a probation officer unless and until he or she receives a baccalaureate degree.

Good moral character is determined by a probation officer's appointing court. Under I.C. 11-13-1-1(c), probation officers serve at the pleasure of the appointing court.

A person who fails the examination shall be permitted to take the examination a second time. The second examination shall not be given until ninety (90) days after the first examination, during which time the person shall not be permitted to serve as a probation officer.

A person who fails the examination a second time shall not be permitted to take the examination or serve as a probation officer until one (1) year after the second examination.

Orientation will include administrative policies and other topics relevant to probation supervision in Indiana. The Judicial Conference of Indiana will be responsible for the training format. It is recommended that probation officers attend this orientation within six (6) months of the first day of employment.

Any re-appointed probation officer that is hired shall be subject to a record check at the direction of the Indiana Judicial Center.

The qualifications established by the Judicial Conference of Indiana shall be minimum qualifications only, and an appointing court may require higher qualifications for probation officers.

The qualifications established by the Judicial Conference of Indiana shall be effective July 1, 1984. The qualifications shall not apply to persons who have been certified prior to July 1, 1984, as eligible to serve as probation officers in Indiana courts.

2.3 CONTINUING EDUCATION -- AT LEAST TWELVE (12) HOURS OF CONTINUING EDUCATION SHALL BE MANDATORY FOR ALL PROBATION OFFICERS BEGINNING IN 1997, AND CONTINUING THEREAFTER FOR EACH YEAR. THIS REQUIREMENT SHALL NOT APPLY TO A PROBATION OFFICER IN HIS/HER FIRST YEAR OF SERVICE.

The probation officer relies on knowledge of such fields as rehabilitation, psychology, law, and management. Each of these fields of knowledge is in a state of change, improvement, refinement, and development. No one employed in probation should neglect the ongoing need for keeping abreast of current knowledge in the disciplines related to his/her probation responsibilities.

Each chief probation officer and supervising judge shall certify to the Indiana Judicial Center, no later than February 1 of each year, those probation officers who have complied with the requirement during the previous year. Should any probation officer fail or refuse to comply with the requirement, that officer shall be notified in writing by the Indiana Judicial Center that continued non-compliance with the requirement will result in a permanent letter of reprimand being placed in his/her permanent probation packet. A copy of this notice will be sent to the probation officer's chief and also the officer's supervising judge.

The chief probation officer and the supervising judge shall approve course content eligible to comply with the twelve-hour requirement. All Judicial Conference sponsored educational conferences and meetings shall be given credit. Certification of compliance with the regulation shall be reported to the Indiana Judicial Center annually.

2.4 RECERTIFICATION -- A PROBATION OFFICER WHO WAS PREVIOUSLY CERTIFIED BY THE JUDICIAL CONFERENCE OF INDIANA, BUT WHO HAS NOT BEEN ACTIVELY INVOLVED AS A PROBATION OFFICER FOR THE INDIANA JUDICIARY FOR THE PAST FIVE (5) YEARS, SHALL MEET THE CURRENT CERTIFICATION REQUIREMENTS.

2.5 LOCAL TRAINING -- EACH PROBATION DEPARTMENT SHOULD PROVIDE FOR ADDITIONAL TRAINING, ON A LOCAL LEVEL, TO ITS ENTIRE STAFF. THE TRAINING PROVIDED SHOULD BE APPROPRIATE TO WORK ASSIGNMENTS.

A local continuing and formal training program is essential to supplement training provided by the Judicial Conference of Indiana. The local department's program should be related to its goals, objectives, policies, and procedures. It should meet staff needs, be available for all levels of staff, be reviewed regularly, and make use of community resources. Other conferences, workshops, institutions, and university courses may be utilized for this training upon approval of the appointing court(s).

C. INVESTIGATION STANDARDS

3.1 PRESENTENCE/PREDISPOSITION REPORT PREPARATION -- THE PSI/PDR REPORT SHALL BE THE RESPONSIBILITY OF THE PROBATION DEPARTMENT AND BE PREPARED BY A PROBATION OFFICER.

Probation officers have the specialized training and expertise necessary to examine the needs of the offender and the present risk to the community. The PSI/PDR report is a resource that is available to the court and other agencies as provided by statute.

3.2 PRESENTENCE/PREDISPOSITION STANDARDIZATION -- THE PSI/PDR REPORT SHALL FOLLOW THE APPROPRIATE FORMAT AND INCLUDE ALL OF THE REQUIREMENTS OUTLINED IN THE STANDARD INDIANA PRESENTENCE INVESTIGATION REPORT OR THE STANDARD INDIANA PRELIMINARY INQUIRY & PREDISPOSITIONAL REPORT.

3.3 LOCAL POLICIES -- EACH PROBATION DEPARTMENT SHALL MAINTAIN WRITTEN POLICIES AND PROCEDURES GOVERNING THE INITIATION AND COMPLETION OF PRESENTENCE/PREDISPOSITION REPORTS.

Guidelines help minimize disparities in the type of information presented to the court and help ensure quality reports. Such guidelines should be developed in collaboration with the court as a supplement to the state standards.

3.4 PRESENTENCE/PREDISPOSITION REPORT PREPARATION -- PSI/PDR REPORTS SHALL BE PREPARED WHEN REQUIRED BY STATUTE OR WHEN REQUESTED BY THE COURT.

A court may adopt its own policies regarding situations, not covered by statute, in which that particular probation department is required to do presentence or predisposition reports.

3.5 INTERVIEW -- A PROBATION OFFICER SHALL INTERVIEW THE OFFENDER BEFORE PREPARING A PRESENTENCE/PREDISPOSITION REPORT.

In developing a recommendation and supervision plan, a personal interview is necessary for accuracy and gaining a clear understanding of the offender. The response of the offender should be noted even if the offender will not cooperate.

3.6 VICTIM/WITNESS NOTIFICATION -- PROBATION OFFICERS SHALL PROVIDE ALL NOTICE(S) TO VICTIMS AND WITNESSES AS REQUIRED BY STATUTE.

Notice to a victim/witness includes, but is not limited to, the following: notice of the time and date of the sentencing/disposition hearing and the right to make a statement to the court (I.C. 35-38-1-8.5 and I.C. 35-40-6-9); notice of the right to receive information from the Indiana Department of Correction regarding when the offender is to be released from prison,

released on parole, is to have a parole release or violation hearing, has escaped, or is going into a temporary release program (I.C. 11-13-3-3(e) requires that the probation officer inform the victim/witness of this right at the time of conducting the presentence investigation. The probation department shall forward the most recent list of addresses and phone numbers of victims to DOC within 5 days of receipt of the information from the victim).

3.7 DISPOSITIONAL ALTERNATIVES -- THE PRESENTENCE/PREDISPOSITION REPORT SHALL INCLUDE EVALUATION OF TREATMENT AND DISPOSITIONAL ALTERNATIVES.

The presentence/predisposition report shall address problem areas relative to the needs of the individual. Supervision, treatment issues, and special conditions applicable to the individual shall be addressed in his/her conditions of probation.

3.8 VERIFICATION -- INFORMATION RELEVANT TO THE SENTENCING DECISION SHALL BE VERIFIED WHEN FEASIBLE.

Verification is needed to ensure the accuracy and credibility of the information contained in the presentence/predisposition report. The report shall specify what information has been verified and the source of verification.

3.9 SUPERVISOR REVIEW -- THE PRESENTENCE/PREDISPOSITION REPORT SHALL BE APPROVED AND SIGNED BY AN APPROPRIATE SUPERVISOR PRIOR TO SUBMISSION OF THE REPORT TO THE COURT.

Supervision of the investigation process ensures quality control and consistency. It also ensures that the needs of the offender, the court, and the community are met in accordance with established policies and procedures.

3.10 COMPLETION OF THE PRESENTENCE -- THE PSI SHALL BE DELIVERED TO THE SENTENCING/DISPOSING COURT IN A TIMELY MANNER AS DETERMINED BY THE SENTENCING/DISPOSING COURT IN ORDER TO FACILITATE THE PROCESS OF DISCLOSURE.

Once accomplished, the opportunity is then afforded for reasonable challenges or requests for clarification which, in some cases, are addressed at the sentencing hearing by means of questioning the probation officer who prepared the PSI.

3.11 COMPLETION OF THE PREDISPOSITION REPORT -- THE PDR SHALL BE DELIVERED TO THE SENTENCING/DISPOSING COURT, IN A TIMELY MANNER, IN ORDER TO DISCLOSE THE PDR TO THE CHILD AND/OR HIS REPRESENTATIVE(S), WITHIN STATUTORY PARAMETERS.

Predispositional reports shall be made available within a reasonable time before the dispositional hearing, unless the juvenile court determines on the record, that they contain information that should not be released to the child or his parent, guardian, or custodian. The court shall provide a copy of the report to any attorney, guardian ad litem, or court appointed special advocate representing the child or any attorney representing his parent, guardian, or custodian. It may also provide a factual summary of the report to the child or his parent, guardian, or custodian.

3.12 DISCLOSURE OF THE PRESENTENCE REPORT -- UNLESS SPECIFICALLY REQUIRED BY STATUTE, OR UNLESS SPECIFICALLY AUTHORIZED BY THE COURT AND THE CONVICTED PERSON, THE PSI SHALL ONLY BE DISCLOSED TO PERSONS OR AGENCIES SPECIFICALLY ENUMERATED UNDER IC 35-38-1-13.

We acknowledge that probation departments get requests for PSI's from: prosecutors outside of the county; state, federal and local law enforcement; service providers and others. Many of these requests may be very reasonable. However, unless disclosure is permitted under IC 35-38-1-13, a probation officer who is confronted with such a request shall confer with the judge.

Under I.C. 35-40-5-6(b), a victim has the right to read the presentence report relating to the crime against the victim. The victim does not have the right to read parts of the presentence report which contain confidential information, the source of confidential information, or information about another victim.

3.13 DISCLOSURE OF THE PREDISPOSITION REPORT -- A PDR IS CONFIDENTIAL . HOWEVER, A PDR SHALL BE MADE AVAILABLE TO PERSONS ENUMERATED UNDER IC 31-37-17-6 (DELINQUENCY) & IC 31-34-18-6 (CHINS) , WITHIN A REASONABLE TIME BEFORE THE DISPOSITIONAL HEARING UNLESS THE COURT DETERMINES ON THE RECORD THAT IT CONTAINS INFORMATION THAT SHOULD NOT BE RELEASED TO AN ENUMERATED PERSON OR PERSONS. THE COURT MAY ALSO GRANT ACCESS TO THE PDR TO ANY PERSON PROVIDING SERVICES TO THE CHILD OR TO THE CHILD'S FAMILY.

D. SUPERVISION STANDARDS

- 4.1 EXPECTATIONS DEFINED -- WRITTEN TERMS AND CONDITIONS OF SUPERVISION SHALL BE FURNISHED TO EACH PROBATIONER AND EXPLANATION OF THOSE TERMS SHALL BE PROVIDED BY A PROBATION OFFICER.**

This duty shall be performed as soon after the court hearing as possible.

- 4.2 CASE CLASSIFICATION AND WORKLOAD MEASURES -- PROBATION DEPARTMENTS SHALL CLASSIFY SUPERVISIONS AND MEASURE THEIR WORKLOADS ACCORDING TO THE MANUAL ESTABLISHED BY THE JUDICIAL CONFERENCE OF INDIANA.**

The Case Classification and Workload Measures System provides departments with a standardized risk assessment, needs assessment and an accompanying workload formula. These systems were designed for the intelligent allocation of resources and as a means of measuring the work being performed.

- 4.3 CONTACT REQUIREMENTS -- ASSIGNED PROBATION OFFICERS SHALL MAINTAIN CONTACT WITH THEIR PROBATIONERS ACCORDING TO THE MINIMUM REQUIREMENTS ESTABLISHED BY THE CASE CLASSIFICATION AND WORKLOAD MEASURES SYSTEM.**

A system of regular meetings between assigned probation officers and probationers serves a number of purposes. It holds the probationer to the level of accountability associated with their risk of re-offending while on probation; it provides the means for officers to obtain updated information about the probationer; and it affords the opportunity to address relevant issues with the probationers.

- 4.4 ACCOUNTABILITY -- DEPARTMENTS SHOULD DEVELOP AND MAINTAIN A PROCEDURE TO ENSURE THE ACCURACY OF WORKLOAD REPORTING AND THE QUALITY OF SUPERVISION.**

This can be accomplished with a system of internal reporting, at regular intervals, that includes caseload audits and case conferences between assigned officers and supervisors.

- 4.5 PROGRAMS AND SERVICES -- PROBATION OFFICERS SHALL COOPERATE WITH PUBLIC AND PRIVATE AGENCIES AND OTHER PERSONS CONCERNED WITH THE TREATMENT OR WELFARE OF PERSONS ON PROBATION, AND ASSIST PROBATIONERS IN OBTAINING SERVICES FROM THOSE AGENCIES AND PERSONS.**

In order to fulfill this duty departments and probation officers should develop networks and foster close relationships with local treatment providers, employment agencies, school systems and other sources. In certain situations, there may be confidentiality issues, and releases of information may need to be obtained.

4.6 SUPERVISION PLAN -- EACH SUPERVISION SHALL HAVE SPECIFIC OBJECTIVES BASED ON THE INDIVIDUAL'S NEEDS AND SPECIAL CONDITIONS.

A probation officer has both the authority and the opportunity to assist the probationer in achieving constructive change. The plan requires the probationer's input and commitment in order to maximize the potential for a successful supervision.

4.7 COLLATERAL CONTACTS -- PROBATION OFFICERS SHALL SUPPLEMENT SUPERVISION PLANS WITH PERTINENT INFORMATION FROM AUXILIARY SOURCES.

Sources include: family, friends, school officials, therapists, and employers. A potential benefit of these contacts is developing alliances to reinforce the rehabilitation process, in order to better understand the probationer.

4.8 DOCUMENTATION -- PROBATION OFFICERS SHALL MAINTAIN ACCURATE RECORDS OF THE PROGRESS OF EACH SUPERVISION.

This duty is critical to the entire probation process. This makes pertinent information about the probationer accessible for authorized inquiries.

4.9 PROBATION OFFICER/PROBATIONER COMMUNICATIONS -- PROBATION OFFICERS SHALL EXERCISE CARE IN THEIR CONVERSATIONS WITH PROBATIONERS IN ORDER TO AVOID INFLUENCING THEIR POLITICAL, RELIGIOUS, OR LEGAL DECISIONS AND SHOULD AVOID INQUIRY INTO MATTERS UNRELATED TO THEIR SUPERVISION.

Probation officers shall keep the relationships and all conversations with the probationers on a professional level.

4.10 VERIFICATION -- INFORMATION ABOUT PROBATIONERS THAT IS IMPORTANT TO THE SUPERVISION PROCESS SHALL BE VERIFIED BY THE ASSIGNED PROBATION OFFICER AT REGULAR INTERVALS.

Verification of information about the probationers is important because the information is valuable to the supervision process and to authorities if apprehension is necessary. The accuracy of this information is often critical to probation officers' judgments and recommendations.

4.11 COOPERATION WITH LAW ENFORCEMENT -- PROBATION OFFICERS SHALL ESTABLISH AND MAINTAIN EFFECTIVE COMMUNICATIONS WITH LAW ENFORCEMENT FOR THE EXCHANGE OF INFORMATION RELATIVE TO PROBATIONERS' POTENTIALLY ILLEGAL ACTIVITIES.

If a probationer returns to criminal or delinquent activity, information in the probation case file may be of help to the law enforcement personnel who are conducting the investigation. Care must be taken to follow any limitations on disclosure that may exist by statute, rules or court policy.

4.12 SEARCHES -- PROBATION DEPARTMENTS SHALL HAVE CLEARLY ESTABLISHED POLICIES, APPROVED BY THE COURT, THAT GOVERN SEARCHES OF PROBATIONERS AND THEIR PROPERTY. THESE POLICIES SHALL CONFORM TO THE CRITERIA ESTABLISHED BY CASE LAW.

Courts routinely require probationers to waive their Fourth Amendment rights related to search and seizure, as a condition of probation. Departments need to establish legal guidelines in order to keep their officers from violating probationers' constitutional rights.

4.13 PROBATION VIOLATIONS -- PROBATION OFFICERS SHALL NOTIFY THE COURT WHEN A VIOLATION OF A CONDITION OF PROBATION OCCURS.

Probation officers shall notify the court, in a timely manner, when a violation of a condition occurs. Undetected violations create a risk to public safety and undermine the Court's credibility. Aggressive strategies should be developed for the detection of probation violations.

4.14 ABSCONDERS -- APPROPRIATE STEPS SHALL BE TAKEN TO LOCATE PROBATIONERS WHO MAKE THEMSELVES UNAVAILABLE FOR SUPERVISION.

If the risk to public safety is low, the appointed probation officer shall promptly make reasonable attempts to retrieve the individual without immediate use of the warrant process. However, if there is any potential of serious consequences resulting from delayed action, a warrant shall be immediately requested.

4.15 SUPERVISION TRANSFERS -- RESIDENTS OF THE JURISDICTION SHALL NOT BE ALLOWED TO TRANSFER SUPERVISION TO ANOTHER JURISDICTION UNLESS APPROVED BY THE SENTENCING COURT.

Generally, probationers may be permitted to transfer supervision if they meet all legal requirements of the Interstate Compact for Probation or local policies for intrastate transfers. Any transfer request shall be investigated and approved by the sentencing court and receiving state or county prior to transfer of probation supervision.

4.16 EARLY TERMINATION -- PROBATION DEPARTMENTS SHALL DEVELOP CRITERIA, IN COOPERATION WITH THE COURT, FOR CASES THAT MERIT EARLY RELEASE FROM PROBATION.

Low risk probationers, who have satisfied the terms of their sentence in advance of the scheduled discharge date, may have their supervisions terminated early in order to devote department resources to areas of greater need.

Early termination may also occur as a result of placement, commitment or imprisonment.

4.17 SEX OFFENDER REGISTRATION -- PROBATION OFFICERS ASSIGNED TO SUPERVISE A PROBATIONER WHO MEETS THE STATUTORY DEFINITION OF A SEX OFFENDER SHALL VERIFY THAT THE INDIVIDUAL FULFILLS HIS /HER OBLIGATION TO REGISTER AS A SEX OFFENDER.

E. POLITICAL AFFILIATION

5.1 EMPLOYMENT -- POLITICAL AFFILIATION SHALL NOT BE A CONDITION FOR/OF EMPLOYMENT OR DISQUALIFICATION FOR EMPLOYMENT AS A PROBATION OFFICER.

5.2 CONTRIBUTIONS -- FINANCIAL CONTRIBUTIONS TO A POLITICAL PARTY SHALL NOT BE REQUIRED AS A CONDITION FOR/OF EMPLOYMENT AS A PROBATION OFFICER.

5.3 POLITICAL ACTIVITY -- POLITICAL ACTIVITY OR MEMBERSHIP IN A POLITICAL PARTY SHALL BE GOVERNED BY THE CODE OF JUDICIAL CONDUCT ADOPTED BY THE SUPREME COURT OF INDIANA.

Political activity, when appropriate, shall take place away from the office and any other employment location. No political activity is appropriate during working hours. Probation department staff should avoid any impression that their political expressions represent the department or any other person. No governmental property shall be used for any political purposes.

The appointing court(s) may enforce other limitations on political activity.

5.4 POLITICAL EXPRESSION -- POLITICAL EXPRESSION, BY A PROBATION OFFICER, SHALL NOT OCCUR IN A PROBATION OFFICER'S SUPERVISION OF A CASE.

F. CODE OF CONDUCT FOR INDIANA PROBATION OFFICERS

The people of Indiana expect of probation officers: unfailing honesty; respect for the dignity and individuality of human beings; and a commitment to professional and compassionate service. To this end, probation officers of Indiana subscribe to the following principles:

(1) PROBATION OFFICERS SHALL :

- a. Follow the directives of the Court, respecting its authority and recognizing at all times that they are an extension of the Court.
- b. Make available, for review by the Court, accurate records and all case information in order to assist in sound decisions affecting both the probationer and public safety.
- c. Serve each case with sincere concern and objectivity for the probationer's welfare without purpose of personal gain, and with respect for the probationer's human, civil and legal rights.
- d. Respect the importance of all elements of the criminal justice system, while cultivating relationships, promoting mutual respect, improving the quality of service, and furthering professional cooperation.
- e. Respect the rights of the public to be safeguarded from criminal/delinquent activity, while respecting the community's right to know, and at the same time balancing the public good with the probationer's rights of privacy.
- f. Without reservation, report any corrupt or unethical behavior which could affect either the integrity of the department or the status of the probationer.
- g. Maintain the integrity of private information by not seeking personal data beyond that needed to perform his/her duties, and only disclose case information as allowed by statutes, rules and departmental policies.
- h. Make clear those public statements that are personal views as opposed to those statements and positions that are on behalf of a department.

(2) PROBATION OFFICERS SHALL NOT:

- a. Use official position to secure privileges or advantages, or promote any partisan political activity.
- b. Make critical statements of colleagues or their departments unless constructive in purpose.
- c. Allow personal interest to impair the objectivity that is required in their official capacity.
- d. Accept any gift or favor that may imply an obligation that is inconsistent with the free and objective performance of professional duties.
- e. Discriminate against any employee, prospective employee or probationer on the basis of race, sex, religion, national origin, age, disability, personal characteristics or status.
- f. Use speech, gestures or other conduct that could reasonably be perceived as sexual harassment.
- g. Make any public comment regarding a proceeding pending or impending in any court regarding supervision of any probationer.

(3) ENFORCEMENT PROCEDURES:

- a. The Chief Probation Officer or other probation officer appointed by the judge(s) will investigate reports of violations of the Code of Ethics. A written report with the results of the investigation shall be given to the judge(s) and the accused probation officer.
- b. If the probation department or a probation officer is accused of a violation of the Code of Conduct for Indiana Probation Officer, the supervising judge(s) should seek an opinion from the Judicial Qualifications Commission regarding the conduct in question. The judge(s) may make any appropriate disposition including, but not limited to, dismissal of the charges, discipline or removal of the probation officer from office.
- c. Probation Officers shall be subject to sections of the Code of Judicial Conduct that are applicable to court employees. The Code of Judicial Conduct supersedes the Code of Conduct for Indiana Probation Officers, if there is a conflict between the two codes.
- d. Any disciplinary action which results in a probation officer being relieved of his/her position shall be reported to the Indiana Judicial Center.

V. REFERENCES AND CITATIONS

CAVEAT: The citations are for reference only and are not purported to be an exhaustive listing. Additionally, no mention is made of any relevant federal statutes or regulations. Statutory references include the 2000 supplement. Please check the newest supplement for updates. Copies of documents promulgated by the Judicial Conference of Indiana are available, upon request, from the Indiana Judicial Center.

- A. **ADMINISTRATIVE STANDARDS:** See generally, IC 11-13-1 et seq.
- 1.4 **RELEASE OF INFORMATION:** The following are related Indiana statutes: IC 35-38-1-13; IC 35-38-1-14; IC 35-38-1-10.5; IC 31-39-2 et. seq.; IC 5-2-5 et seq. & IC 5-2-5.1 et seq. (release of data to criminal justice agencies).
- 1.7 **PROBATIONER NEEDS ASSESSMENT:** The following is related Indiana authority: Probation Case Classification & Workload Measures System For Indiana, Indiana Judicial Conference Board of Directors, adopted September 16, 1993, effective January 1, 1995.
This document contains optional needs assessment forms.
- 1.12 **RECORDS MANAGEMENT:** The following are related Indiana statutes: IC 5-15-1 et seq. & IC 5-15-5.1 et seq. (management of public records); IC 35-38-1-13; IC 35-38-1-14; IC 31-39-2 et. seq.; IC 35-38-1-10.5; IC 5-2-5 et seq.; IC 5-2-5.1 et seq.; Ind. Admin. Rule 7 "Criminal (2)"; Ind. Admin. Rule 7 "Family Law (4) Juvenile Courts".
- 1.15 **MINIMUM SALARY SCHEDULE:** The following is related Indiana authority: IC 11-13-1-8(b)(2); Schedule of Minimum Salaries for Probation Officers, Judicial Conference of Indiana, Adopted June 14, 1996.
- B. **TRAINING STANDARDS:** See generally, IC 11-13-1-8(f); Certification Proposal, Judicial Conference of Indiana, Adopted September 12, 1996; Qualifications for Probation Officers, Judicial Conference of Indiana, Effective July 1, 1984.
- C. **INVESTIGATION STANDARDS:** See generally, IC 11-13-1-3; IC 35-38-1-8; IC 35-38-1-9; IC 31-37-17 et. seq.; IC 31-34-18 et. seq.; Standard Indiana Presentence Investigation Report, approved by the Judicial Conference of Indiana Board of Directors on March 1993; Standard Indiana Preliminary Inquiry & Predispositional Report, approved by the Judicial Conference of Indiana Board of Directors on December 8, 1994.
- 3.4 **PRESENTENCE/PREDISPOSITION REPORT PREPARATION:** The following are related Indiana statutes: IC 35-38-1-8; IC 35-38-1-9; IC 35-38-1-14; IC 35-38-2.6-3; IC 31-37-17 et. seq; IC 31-34-18 et. seq.
- 3.6 **VICTIM/WITNESS NOTIFICATION:** The following are Indiana statutes related to victim notification: IC 35-38-1-8.5; IC 35-38-1-9; IC 35-40-6-9; I.C. 11-13-3-3(e); See also, Standard Indiana Preliminary Inquiry & Predispositional Report, approved by the Judicial Conference of Indiana Board of Directors on December 8, 1994.
- 3.10 **COMPLETION OF THE PRESENTENCE REPORT:** IC 35-38-1-12 is a related Indiana statute.

- 3.11 **COMPLETION OF THE PREDISPOSITION REPORT** : IC 31-37-17 et. seq. & IC 31-34-18 et. seq. are related Indiana statutes.
- 3.12 **DISCLOSURE OF THE PRESENTENCE REPORT**: IC 35-38-1-13 & IC 35-40-5-6(b) are related Indiana statutes.
- 3.13 **DISCLOSURE OF THE PREDISPOSITION REPORT**: The following are related Indiana statutes: IC 31-37-17 et. seq.; IC 31-34-18 et. seq.; IC 31-39-2-9.
- D. **SUPERVISION STANDARDS**: See generally, IC 11-13-1-3; Probation Case Classification & Workload Measures System For Indiana, Indiana Judicial Conference Board of Directors, adopted September 16, 1993, effective January 1, 1995.
- 4.1 **EXPECTATIONS DEFINED**: The following are related Indiana statutes: IC 35-38-2-2.3(b); IC 11-13-1-3(4).
- 4.5 **PROGRAMS AND SERVICES**: See, IC 11-13-1-3(8).
- 4.8 **DOCUMENTATION**: See, IC 11-13-1-3(9).
- 4.11 **COOPERATION WITH LAW ENFORCEMENT**: The following are related Indiana statutes: IC 5-2-5 et seq. & IC 5-2-5.1 et seq. (release of data to criminal justice agencies).
- 4.12 **SEARCHES**: See e.g., Carswell v. State, 721 N.E.2d 1255 (Ind.Ct.App. 1999); Purdy v. State, 708 N.E.2d 20 (Ind.Ct. App. 1999); Rivera v. State, 667 N.E.2d 764, (Ind.Ct.App. 1996).
- 4.15 **SUPERVISION TRANSFERS**: The following are related Indiana statutes: IC 11-13-4-1 through IC 11-13-5-4; IC 11-13-1-3(11).
- 4.17 **SEX OFFENDER REGISTRATION**: The following are related Indiana statutes: IC 5-2-12-1 et seq.

Section E. **POLITICAL AFFILIATION** and Section F. **CODE OF CONDUCT FOR INDIANA PROBATION OFFICERS** are adaptations from the **INDIANA PROBATION STANDARDS**, Judicial Conference of Indiana Board of Directors, approved June 30, 1989.